

Notice of Allowability

Application No.

09/995,656

Examiner

Yogesh K. Aggarwal

Applicant(s)

KUSAKA, YOSUKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/08/2007.
2. ☒ The allowed claim(s) is/are 8,10,11,15,17-19,21,24,25,28,30-35 (The claims have been renumbered as 1-3,13,4-6,7,9,10,8,11,15,16,12,14,17 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/29/2001
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



LIN YE
SUPERVISORY PATENT EXAMINER

Allowable Subject Matter

1. Claims 8, 10, 11, 15, 17-19, 21, 24, 25, 28 and 30-35 are allowed.
2. The following is an examiner's statement of reasons for allowance for claims 8 and 15:

The prior art fails to teach "An image-capturing device, comprising: an image sensor that captures a subject image and generates image data; an operation member that is operated by a user to cause the image sensor to capture a subject image and generate image data and to record image identification information with regard to the image data transferred to the detachable portable memory on a temporary basis so that the image data transferred to the detachable portable memory on a temporary basis and the image data transferred to the detachable portable memory in the case that the detachable portable memory is set as the storage device can be distinguished from each other" in combination with other claimed elements.

[Claim 31] : The prior art fails to teach or suggest "An image-capturing device, comprising: an image sensor that captures a subject image and generates image data; an operation member that is operated by a user to cause the image sensor to capture a subject image and generate image data; a memory; and an image storage control unit that controls transfer of image data, and is operable in a communication mode, to automatically transfer the image data generated by the image sensor in response to operation of the operation member by the user from the image-capturing device to an external device via a communication circuit capable of communicating with the external device to store the image data in the external device, and when communication with the external device is disabled, to transfer the image data generated by the image sensor to the memory so that the operation member can be operated to cause the image sensor to capture a next subject image, wherein the communication circuit is capable of communicating with the

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external device by at least a first wireless communication method and a second wireless communication method, and attempts the second wireless communication method when communication with the external device is failed by the first wireless communication method”.

[Claim 32]: The prior art fails to teach or suggest “An image-capturing device, comprising: an image sensor that captures a subject image and generates image data; an operation member that is operated by a user to cause the image sensor to capture a subject image and generate image data; and an image storage control unit that controls transfer of image data, and is operable in a communication mode, to automatically transfer the image data generated by the image sensor in response to operation of the operation member by the user from the image-capturing device to a first external device via a communication circuit capable of communicating with the first external device to store the image data in the first external device, and when communication with the first external device is disabled, to transfer the image data generated by the image sensor to a second external device via the communication circuit capable of communicating with the second external device to store the image data in the second external device so that the operation member can be operated to cause the image sensor to capture a next subject image, wherein: an image storage control unit transmits a command from the image-capturing device to the second external device to transfer the image data to the first external device from the second external device where the image data have been stored on a temporary basis without involving the image-capturing device in case that the first external device becomes has become available, when transferring the image data to the second external device”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
October 27, 2007


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